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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,933	09/15/2003	Boris Usherovich		8396

7590
Boris Usherovich
260 Rathbun Avenue
Staten Island, NY 10312

01/05/2007

EXAMINER

HECKERT, JASON MARK

ART UNIT	PAPER NUMBER
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1746

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/661,933

Applicant(s)

USHEROVICH ET AL.

Examiner

Jason Heckert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Claim 31 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 9/18/2006.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9-11, 13, 15-16, 22-24, 26, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa et al. in view of Rhodes and further in view of Lebrun. Combination washer dryers are common in the art. Tanigawa discloses an automatic washing machine fitted for drying comprising a cabinet 141, a front loading drum 143, a door 212, a water supply 90, a drain 98, a dehumidification hose 53 with condensing capabilities (col. 11 line 37), as well as a motor 148 and various process control and programming means (col. 30 lines 38-40). Tanigawa et al. does not disclose a sink with a faucet mounted on top of the unit. Rhodes discloses a sink on top of a standard washing machine (figure 1) that is adapted with a drain for the removal of sink and wash water (col. 1 lines 53-67). This aids in the pre-washing of clothes. Furthermore, changes in shape or form have been held to be obvious. *In re Dailey* 149

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USPQ 47, 50 (CCPA 1966). A pitched sink is nothing more than a change in shape, and functionally equivalent to the sink disclosed by Rhodes. Considering this is a household unit, the water supply to the faucet and the tank must originate from the same location. Tanigawa et al. does not disclose vibration-absorbing wall anchoring means. Lebrun discloses anchoring means 42 to couple a dryer to a wall 28 serving the function of vibration absorbing. It would have been obvious at the time of the invention, to modify Tanigawa et al and include a sink of pitched shape to aid in pre-wash as taught by Rhodes, and anchoring means to provide additional support and dampen vibrations as taught by Lebrun.

3. In regards to claims 9-10, 13, 15, 22-23, 26, 28 Tanigawa does disclose a lint trap 16 as well as a check valve 51, but does not disclose a P-trap in the unit. P-traps are notoriously well known in the art of moving fluids and are commonly used in drains, such as that of household sinks and toilets, to lock in sewer odors. Their use cannot be considered novel, and furthermore some sanitation codes mandate their use. A P-trap serves an equivalent function to that of the check valve in the claimed invention. It would have been obvious at the time of the invention to include a P-trap in the drain of Tanigawa, in order to prevent odors from the sewer to permeate the apparatus and eventually the house in which it is installed.

4. Claims 3-8, 18—21, 29-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa et al. in view of Rhodes in view of Lebrun (as stated above) and further in view of Fey. None of the previous sources disclose a removable or pivotally attached washing machine with motion control. Fey discloses a washing

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machine that is removable as well as pivotally attached to the cabinet (see figure 2).

This machine also has motion controls to prevent excess forward movement (col. 4 lines 44-69). This is desirable as in certain situations, such as those with limited floor space, it is advantageous to have a machine that tilts forward for access (col. 4 lines 5-8). It would have been obvious, at the time of the invention, to modify Tanigawa et al. as stated in paragraph 2, and further provide the machine in a pivotally attached manner as taught by Fey to allow for easy access.

5. Claims 12, 14, 25, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Tanigawa et al in view of Rhodes in view of Lebrun (as stated above) in view of Zinkann et al. and further in view of Grieve et al. Tanigawa discloses an exhaust duct 89, a functional equivalent of a ventilation means or hose. Zinkann et al. disclose a washing machine with drying capabilities that is fitted for specifically a ventilation hose at location 18. Neither discloses a retractable hose. Retractable hoses are notoriously well known in the art and can be used in place of a standard hose. Grieve et al. discloses a retractable hose 1 that is advantageous in situations that call for a hose to extend to a length beyond its natural length. It would have been obvious at the time of the invention to modify Tanigawa et al. as stated in paragraph 2 and include a ventilation hose as taught by Zinkann et al. of a retractable nature as taught by Grieve et al., in order to provide a relatively short hose that is capable of extending to greater lengths, especially when the washing machine is in the pivoted position as discussed above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH



MICHAEL BARR
SUPERVISORY PATENT EXAMINER